UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,674	10/03/2006	Richard Kabzinski	60136-0011	5546

29989   7590   01/06/2010
HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER
ZIA, SYED

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
01/06/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/551,674	KABZINSKI ET AL.
	Examiner	Art Unit
	SYED ZIA	2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 October 2009_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _29-52_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _29-52_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to amendment and remarks filed on October 2, 2009. The remarks filed on October 2, 2009 have been entered and made of record. Claims 29-52 are pending.

Response to Arguments

Applicant's arguments filed on October 2, 2009 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 29-52 applicants argued, that cited prior art (CPA) [Thibadeau U. S. Patent 7,036,020] "*In summary, does not disclose or teach towards a security partition formed in the storage device wherein the operating system is stored in the security partition*".

This is not found persuasive. The system of cited prior art teaches a system and method for promoting security method in computer system that involves partitioning portion of storage device to form security partition and limiting access to portion of storage device by operating system of computer. In that system a portion of storage device is partitioned to form a security partition, which has an authority record and data set associated with the authority record. An access to security partition of storage device is limited by the installed operating system of computer (Fig.1-4, col.4 line 37 to col.6 line 16).

As a result, cited prior art does implement and teach a system that relates to securing access in a computer system.

Applicants <u>clearly</u> have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims and in subsequent dependent Claims. Accordingly, rejections for claims 29-52 are respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 29-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Thibadeau U. S. Patent 7,036,020.

2.   Regarding Claim 29, Thibadeau teaches and describes a security system for securing access to an operating system of a computer having a host central processing unit (CPU),

computer memory means used by the host CPU to load programs in order to operate the

computer, and a storage device for storing data to be used by the computer, the security system

comprising: a security partition formed in the storage device, the operating system being stored

in the security partition; and blocking means for selectively blocking data access between the

host CPU and the security partition (Fig.1-4, col.4 line 37 to col.6 line 16).

3.   Regarding Claim 42, Thibadeau teaches and describes a method for securing access to an

operating system of a computer, the computer having a host central processing unit (CPU), a

storage device for storing data to be used by the computer, and memory used by the host CPU to

load programs in order to operate the computer and storage device, the method comprising:

forming a security partition in the storage device; storing the operating system in the security

partition; and selectively blocking access between the host CPU and the security partition (Fig.1-

4, col.4 line 37 to col.6 line 16).

4.   Claims 30-41 and 43-52 are rejected applied as above rejecting Claims 29, and 42.

Furthermore, system of Thibadeau teaches and describes a system and method for securing

access to an operating system of a computer, wherein:

        As per Claim 30, each user of the computer has an associated access profile, each access

profile comprising information indicative of the level of access to portions of the storage device

permitted by a user, and the blocking means controlling access to the storage device by a user in

accordance with the access profile associated with the user (col. 6 line 55 to col.8 line 35).

As per Claim 31, the security system is arranged such that at least two different data access profiles are defined; one access profile ascribing read and write access to said security partition, and the other access profile not ascribing write access to said security partition (col.6 line 55 to col.8 line 35).

As per Claim 32, said blocking means is independent and separately configurable of said host CPU (col.4 line 37 to col.6 line 16).

As per Claim 33, during operation of the operating system the security system is arranged to divert and write operating system files to a location different to the security partition so that normal operation of the operating system continues even though operating system files in the secure partition have not been updated (col.5 line 25 to col.6 line 16).

As per Claim 34, the security system is arranged to divert and write operating system files to a flash ROM (Fig.1-4, col.4 line 37 to col.5 line 50).

As per Claim 35, the security system is arranged to divert and write operating system files to an invisible partition formed in the storage device (col.5 line 15 to col.6 line 16).

As per Claim 36, further comprising authentication means for authenticating a user of the computer and associating the user with a prescribed access profile, said blocking means controlling subsequent access to the security partition in accordance with the access profile associated with the user(col. 6 line 55 to col.8 line 35).

As per Claim 37, said blocking means includes processing means for controlling operation of said blocking means (col.5 line 25 to col.6 line 16).

As per Claim 38, said blocking means is configured to block all access by the host CPU to the storage device before initialisation of the security system, and to selectively permit access

immediately after said initialisation in accordance with a respective access profile (col. 6 line 55 to col.8 line 35).

As per Claim 39, said authentication means enables a software boot of the computer to be effected only after correct authentication of a user, and said security system permits normal loading of the operating system during the start up sequence of the computer following said software boot (col.6 line 55 to col.8 line 35).

As per Claim 40, said blocking means is physically disposed in line with the data access channel between the host CPU and the storage device (col.4 line 37 to col.6 line 16).

As per Claim 41, said blocking means is disposed as part of a bridging circuit (Fig.1-4, and col.4 line 37 to col.6 line 16).

As per Claim 43, further comprising associating each user with an access profile comprising information indicative of the level of access to portions of the storage device permitted by a user; and for each user, selectively blocking access between the host CPU and the security partition in accordance with the access profile defined for the user (col.5 line 25 to col.6 line 16).

As per Claim 44, further comprising defining at least two different access profiles, one access profile ascribing read and write access to data stored on said security partition, and the other access profile not ascribing write access to said security partition (col. 6 line 55 to col.8 line 35).

As per Claim 45, further comprising authenticating a user of the computer, and associating the user with an access profile after successful user authentication (col.5 line 15 to col.6 line 16).

As per Claim 46, said selective blocking comprises controlling access between the host

CPU and the security partition independently of the host CPU (col.4 line 37 to col.6 line 16).

As per Claim 47, said selective blocking comprises totally blocking access to the storage

device by the host CPU during initialisation of the computer, and intercepting all said access

immediately after said initialisation and before loading of the operating system of the computer

(col.6 line 55 to col.8 line 35).

As per Claim 48, including performing a software boot of the computer only after correct

authentication of the user, and allowing normal loading of the operating system during the start

up sequence of the computer after said software boot (col. 6 line 55 to col.8 line 35).

As per Claim 49, further comprising diverting and writing operating system files to a

location different to the security partition during operation of the operating system so that normal

operation of the operating system continues even though operating system files in the secure

partition have not been updated (col.5 line 25 to col.6 line 16).

As per Claim 50, the operating system files are diverted and written to a flash ROM

(Fig.1-4, col.4 line 37 to col.5 line 50).

As per Claim 51, the operating system files are diverted and written to an invisible

partition formed in the storage device (Fig.1-4, col.4 line 37 to col.6 line 16).

As per Claim 52.including unalterably storing computer programs for effecting said

controlling access in a location separate from the memory and not addressable by the host CPU

(Fig.1-4, and col.4 line 37 to col.6 line 16).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz
December 25, 2009
/Syed   Zia/
Primary Examiner, Art Unit 2431